



**PROPOSED CHARTER
FOR THE CITIZENS
OF CIRCLEVILLE**

Dear Circleville Voter,

Last year, you elected a commission to form a charter for Circleville. This booklet is the result!

Charter commissioners spent seven months studying other Ohio cities and comparing those structures to Circleville's. We learned that 83% of cities in central Ohio, and 82% of all cities across the state with similar populations have enacted a charter form of government.

The charter commissioners questioned everything: Is a charter right for the citizens of Circleville? Will the charter move Circleville forward to grow and prosper in Central Ohio? These were just some of the questions that were answered as this charter was formed.

Since it is a legal document, the charter itself includes technical, legal wording. To help understand, the commission has included the following:

- An explanation of a Charter and how it benefits Circleville.
- Summary of the charter's key points with a comparison to the current city government.
- Proposed Charter

With any new structure, the learning curve can be a challenge however the results are worth the effort.

This result: A step forward for the citizens of Circleville! Read through this booklet to make an informed decision at the polls Aug. 2, 2022.

Sincerely,
2021-22 Charter Commission

What is a Charter?

A charter provides a structure for self-governance similar to a constitution. It is a legal document that determines the type of government under which a city will operate and is customized to meet the needs of local residents. A charter describes how a city is organized and outlines its powers, functions, and procedures.

Why have a Charter?

Cities, such as Circleville, that do not have a charter are subject to rigid regulations. They are called statutory cities because they operate according to statutes in the Ohio Revised Code. When the statutes lack flexibility, local officials must lobby the state legislature to change state law.

Cities that have a charter can enact flexible ordinances which better address the needs of the residents. Circleville needs a charter so that citizens can determine how their government will be structured.

With the proposed charter, City Council will hire an experienced city manager to oversee the day-to-day operations of the city, manage and grow our multi-million-dollar budget and help guide our future.

What do you need to know about the Charter?

- This charter gives citizens a greater voice in government.
- City Council consists of seven representatives elected to four-year staggered terms.
- A City Manager will be hired by council.
- A Mayor will be elected to be the ceremonial head of the city.
- The Finance Director will be hired to replace the Auditor and Treasurer.
- A Law Director will be hired.
- City Council will appoint the Council President from members of council
- Top positions in Police and Fire can be hired from inside or outside the departments.
- Pre-charter elected officials can serve out their current terms.
- Citizens will be more informed about pending Council ordinances.
- Purchasing, competitive bidding, and other financial processes will be modernized.

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PREAMBLE

We the people of the City of Circleville, County of Pickaway, State of Ohio, in order to secure the benefits of municipal home rule and to exercise all powers of local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for the government of the City of Circleville.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND POWERS

Section 1.01. Name and Boundaries.

The Municipal Corporation now existing as the City of Circleville, Ohio, shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory in any manner authorized by any general or special law of Ohio, and as such shall have perpetual existence.

Section 1.02. Form of Government.

The form of government provided by this charter shall be known as the "Council-Manager Form of Government."

Section 1.03. Powers of the City.

The City shall have all powers of local self-government and home rule possible for a city under the Constitution of the State of Ohio. All such powers shall be exercised and enforced in the manner prescribed by this Charter, or by ordinance and resolution consistent with this Charter, or when not prescribed by either, then in the manner provided by the General Laws of Ohio, until the Council shall provide a different manner of exercising such powers.

ARTICLE II. THE COUNCIL

Section 2.01. Number, Selection, and Term.

The Council shall consist of seven (7) members. Three (3) shall be elected from the City at large and four (4) shall be elected, one (1) from each of four (4) wards established in Sec. 2.03. The term of members of Council shall be for four (4) years beginning January 1, next following their election, and they shall hold office until their successors are elected and qualified. At the regular municipal election held in 2023, and each four (4) years thereafter, the three (3) Council members at large shall be elected. At this same election, the four (4) ward Council members shall be elected for a two (2) year term. At the regular municipal election held in 2025, and each four (4) years thereafter, the four (4) ward Council members shall be elected.

Candidates for Council shall be nominated at partisan primary elections held on the date and at the time fixed by the election laws of Ohio for primary elections for general statutory plan cities, except that all such Council members shall be elected to terms of office as provided in this Charter.

Unless a candidate desires to run as an independent candidate, the political party affiliation of each candidate shall be designated on the ballot at the regular municipal election.

Section 2.02. Qualifications.

Any qualified elector, residing in the municipality, who is not the occupant of an incompatible office shall be eligible to serve as a member of the Council; provided that those representing wards shall be residents of wards they represent.

Section 2.03. Wards.

After each recurring Federal census and after the report of the Secretary of State of the population of the City, Council shall by ordinance divide the City into four wards of substantially equal population and as substantially compact and contiguous territory. Precincts are then determined by the Board of Elections based on the Ohio Revised Code.

Section 2.04. Meetings of Council.

Council may adopt its own rules, regulations, by-laws, order of business, and meeting dates, and it shall keep a record of all its proceedings which shall be open for public inspection. It may elect or appoint a clerk and such other officers or employees as is provided by law. It may establish regular and special meeting dates it determines appropriate.

Section 2.05. Organization of Council.

At the first meeting of each even numbered year the Council shall meet in the Council chamber for the purpose of organization. The Council shall adopt and publish its own rules, regulations and bylaws except as otherwise provided in this Charter.

Section 2.06. President and President Pro Tempore of Council; Duties.

Council shall at the time of its organization choose one of its members as President and another as President Pro Tempore. If a vacancy shall occur in the office of President or President Pro Tempore, a new President or President Pro Tempore shall be chosen by the Council, provided that any vacancies then existing in Council shall first be filled in the manner provided in Section 2.08. The President, or President Pro Tempore in the President's absence, shall have all the powers, duties, functions, obligations and rights of any other member of Council including the right to vote, shall preside at all meetings of Council, shall appoint the various committees of Council, and shall coordinate the work of the various committees.

Section 2.07. Removal.

The Council may remove any member thereof for gross misconduct, malfeasance in office, conviction of a crime involving moral turpitude, judicial declaration of incompetency, violation of this Charter or persistent failure to abide by the rules of the Council; provided that such removal shall not take place without the affirmative vote of three-quarters (3/4) of the remaining members of Council, nor until the accused member shall have been notified in writing of the charge and given an opportunity to be heard. The accused member shall not vote on the question of removal.

Section 2.08. Vacancies.

(A) If the person vacating a position on Council was elected to that position as a candidate whose political party affiliation was designated on the ballot, the vacancy in that council position shall be filled for the remainder of the unexpired term by a person chosen by the residents of the City of Circleville

who are members of the county central committee of the political party with which the last occupant of that office was affiliated at the time of that person's election. If the person vacating a position on Council was (1) elected to that position as a candidate whose political party affiliation was not designated on the ballot or (2) appointed by Council in accordance with this section or if the political party of that person, as designated on the ballot, does not have a county central committee, then the vacancy shall be filled by a majority vote of the remaining members of the Council. If the vacancy occurs after the date which is ten (10) days before the date on which candidates for the office of Council member at the next regular municipal election must file their nominating petitions or if two (2) years or fewer remain in the term of the incumbent who created the vacancy, the person chosen by the appropriate central committee members or the Council to fill the vacancy shall serve for the unexpired term. If the vacancy occurs at least ten (10) days prior to the date on which candidates for the office of Council member at the next regular municipal election must file their nominating petitions and more than two (2) years remain in the term of the incumbent who created the vacancy, the person chosen by the appropriate central committee members or the Council to fill the vacancy shall serve until a successor is elected at the next regular municipal election to serve for the remainder of the unexpired term. The person elected to serve for the unexpired term at the next regular municipal election shall take office on the first day of January following that person's election.

(B) If the appropriate central committee members or the Council shall fail to choose a person to fill a vacancy on the Council under Division (A) of this Section within thirty (30) days after the occurrence of the vacancy, their power to do so shall lapse and the vacancy shall be filled by a majority vote of the remaining members of the Council. If Council fails to fill the vacancy within thirty (30) days, the Judge of the Circleville Municipal Court shall make the appointment within fifteen (15) days of Council's failure to do so.

Section 2.09. City Employees.

Neither Council nor any of its members or committees shall direct or request the appointment of any person to, or the removal or transfer of any person from office or employment by the City Manager or subordinate thereof, or in any manner take part or interfere in the appointment, discipline, transfer or removal of officers or employees in any part of the administrative service of the city for which the City Manager is responsible. No member of Council shall intercede for or participate as counsel or attorney for any officer or employee subordinate to the City Manager, in any hearing or investigation having to do with the discipline or removal of such officer or employee, except in hearings before Council. Except for purposes of inquiry, Council and its members shall deal with any portion of the service of the City for which the City Manager is responsible solely through the City Manager. Neither Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately, either directly or indirectly.

Article III. LEGISLATION

Section 3.01. Form of Action by Council.

Non-legislative action of Council shall be by motion, and legislative action shall be by resolution or ordinance. No action of Council shall be invalidated merely because the form of the action taken fails to comply with the provisions of this Charter. Unless otherwise provided in this Charter, all action taken by Council shall be by the affirmative vote of no less than four (4) members of Council.

(A) Motions. Council shall use a motion to determine policy and procedural matters; to conduct elections among and make appointments by Council members; and as otherwise provided in this Charter or by Council.

(B) Resolutions. Council shall use a resolution, where practicable, for any legislation of a temporary, informal or ceremonial nature and as otherwise provided in this Charter or by Council.

(C) Ordinances. Council shall use an ordinance, where practicable, for any legislation of a general or permanent nature and as otherwise provided in this Charter or by Council.

Section 3.02. Form and Reading by Council

The form of legislation shall be established by the Council Rules of Order. Legislation shall contain only one (1) subject, which shall be clearly expressed in its title; provided, however, that appropriation ordinances may contain the various accounts for which monies are appropriated, and that ordinances which are codified or recodified are not subject to the limitation of containing one (1) subject. The reading of legislation shall be by title only, unless otherwise required by Council by motion.

Resolutions may be passed upon one reading. No ordinance shall be passed unless the title thereof has been read at Council meetings on three (3) different days. Council may dispense with this rule by a motion to suspend the rules requiring a third reading made at the second reading and an affirmative vote of no less than five (5) members of Council taken separately by yeas and nays on such motion. The requirement of this paragraph shall not be applicable to any ordinance determining to submit any question to the electorate or determining to proceed with any election, which ordinance may be passed upon one reading.

Section 3.03. Procedure For Consideration of Legislation.

(A) Introduction. Legislation may be introduced by any member at any regular or special meeting of Council. Prior to the introduction of any legislation, the Clerk of Council shall distribute a copy of the legislation to each Council member and to the City Manager and file a reasonable number of copies in the office of the Clerk of Council and such other public places as Council may designate. The Clerk of Council shall also publish, in a manner prescribed by Council by ordinance, the title of the legislation together with a notice setting forth the time and place for its public hearing before Council. Upon first reading, the President of Council may assign the ordinance to a committee of Council for study.

(B) Public Hearings. The procedure for public hearings shall be determined by the Council Rules of Order. The public hearing of any ordinance shall follow publication of its title by no less than seven (7) days. The public hearing may be held separately or in conjunction with a regular or special Council meeting, and may be adjourned or recessed from time to time. The public hearing may be dispensed with for an emergency ordinance. The public hearing of an ordinance shall be conducted at the next designated meeting subsequent to its introduction, unless otherwise specified by Council.

(C) Vote on Legislation. Council may adopt legislation with or without amendment, reject legislation, table legislation, or refer legislation back to a committee of Council for further study and possible amendment.

(D) Vote Recordation and Publication. The vote on legislation shall be entered in the minutes or other

record of Council proceedings. As soon as possible after adoption, the Clerk of Council shall have the legislation and a notice of its adoption published and available to the public at a reasonable price.

Section 3.04. Effective Date of Legislation.

(A) Effective Immediately. All resolutions and the following ordinances shall take effect upon adoption, unless a later time is specified by Council:

- (1) Appropriations of money;
- (2) Annual tax levies for current expenses;
- (3) Improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefitted and to be assessed;
- (4) Submissions of any questions to the electorate or a determination to proceed with an election;
- (5) Approvals of a revision, codification, recodification, rearrangement or publication of ordinances; and
- (6) Emergency ordinances.

(B) Effective After Thirty Days. Unless otherwise provided in this Revised Charter, all other ordinances shall become effective thirty (30) days after their adoption or at any later date specified by Council.

Section 3.05. Emergency Ordinances.

(A) Specification Requirement. An emergency ordinance shall be introduced in the form and manner prescribed for legislation generally, except that each emergency ordinance shall declare that it is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall clearly specify the nature of the emergency.

(B) Supermajority Requirement. Upon successful motion to treat an ordinance as an emergency, and to dispense with the public hearing when appropriate, an ordinance may be adopted as an emergency ordinance by an affirmative vote of no less than five (5) members taken separately by yeas and nays on each ordinance and resolution. If an emergency ordinance fails to receive an affirmative vote of at least five (5) Council members, but receives a vote of at least four (4) Council members, the ordinance shall become effective as non-emergency legislation.

Section 3.06. Authentication of Legislation.

Legislation shall be authenticated by the signature of the President of Council member and the Clerk of Council. The failure or refusal to sign shall not invalidate otherwise properly enacted legislation.

Section 3.07. Recording and Certification of Legislation.

Legislation shall be recorded in a book or other record prescribed by Council. The Clerk of Council or designee, upon request of any person and upon the payment of a fee if established by Council, shall certify true copies of any legislation, which certified copies shall be admissible as evidence in any court.

Section 3.08. Amendment of Legislation.

(A) Pending Legislation. Pending legislation may be amended at any time prior to its adoption by Council, and such amendment shall not require an additional public hearing of the legislation.

(B) Existing Legislation. Any legislation may be amended by the adoption of subsequent legislation that revises existing sections or parts; enacts new or supplemental sections or parts; or repeals existing sections or parts. This Section does not prevent, prohibit nor preclude repeals by implication.

Section 3.09. Zoning Ordinances.

(A) Public Hearing Notice. As to any zoning ordinance, initiated by an applicant or by Council, the Clerk of Council or designee shall mail written notice of the public hearing to the owners of the property within, contiguous to and directly across the street from the affected parcel or parcels. The failure of delivery of the notice shall not invalidate any zoning ordinance.

(B) Disposition Procedures. Council, by ordinance, shall establish procedures for the disposition of ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations.

(C) Voting Requirements. An affirmative vote of at least four (4) Council members shall be necessary to adopt, modify or defeat a zoning ordinance as to which the Planning and Zoning Commission has recommended approval, recommended against approval, or has made no recommendation.

Section 3.10. Adoption of Technical Codes.

(A) By Reference. Council may, by ordinance, adopt technical codes for the purpose of drawing on the latest scientific and technological advances, including but not limited to construction standards, and such other matters as Council may determine to be appropriate for adoption by reference.

(B) Publication Not Required. An ordinance adopting any technical code shall make reference to the date and source of the technical code without reproducing it at length in the ordinance. In such cases, publication of the technical code shall not be required. A copy of each technical code and a copy of the adopting ordinance shall be authenticated and recorded by the Clerk of Council as provided in Sections 3.06 and 3.07. If the technical code is amended after its adoption by reference, Council may adopt the amendment or change by incorporation by reference under the same procedure established for the adoption of the original technical code.

Section 3.11. Codification.

Council shall provide for the preparation of a general codification, a recodification, a revision, or a rearrangement of all City ordinances, which shall be available to the general public in printed and/or electronic form together with this Charter. A current service supplementing the City's codified ordinances shall be maintained in the manner prescribed by Council.

Section 3.12. Publication of Legislation.

(A) Publish Defined. Unless otherwise provided by this Charter, legislation shall be published after its adoption. As used in this Section, the term "publish" shall mean to post the legislation or a summary of the legislation in at least three (3) public places as designated by Council for a period of at least fifteen (15) days after adoption, and to take such other actions as prescribed by Council. Failure to publish

legislation as required by this Section shall not invalidate the legislation, and in such event, the Clerk of Council may authorize the legislation to be published at a later date.

(B) Certification. The Clerk of Council shall make and retain a certificate as to the times and places by which the legislation is published. The certificate shall be prima facie evidence that the legislation was published as required by Section 3.12(A). Failure to make or retain the certificate required by this Section shall not invalidate any legislation.

ARTICLE IV. MAYOR

Section 4.01. Election and Term.

At the regular municipal election held in 2023, and each four years thereafter, a person shall be elected from the City at large to serve as Mayor for a term of four (4) years commencing on the first day of the next January following that person's election.

Section 4.02. Powers.

The Mayor shall be the ceremonial head of the City and shall represent the City at civic and community functions and issue proclamations, and perform such other expedient duties as authorized by this Charter, City Council and/or the City Manager. The Mayor may participate in the discussions of Council and make recommendations to the Council for its consideration.

ARTICLE V. CITY MANAGER

Section 5.01. City Manager.

All functions not otherwise provided for the Law Director or Finance Director in this Charter, shall be under a City Manager. The City Manager shall be appointed by an affirmative vote of seventy-five percent (75%) of the members of Council. The City Manager shall be responsible to Council for the administration of all municipal affairs placed in the City Manager's charge by or under this Revised Charter, the legislation of the City and the laws of the state of Ohio. The City Manager shall have executive and administrative experience and be an exclusive employee of the City. The City Manager shall be responsible for the supervision and direction of all appointed City Officers and City employees. Compensation of the City Manager shall be established by Council.

The City Manager shall be the Chief Executive Officer of the City. The City Manager shall exercise supervision and control of all executive departments and divisions of the City. The City Manager shall be the Chief conservator of the peace within the City and shall see that all laws, ordinances and resolutions are faithfully obeyed and enforced. Except for elected officers and except as provided in Article VI of this Charter, the City Manager shall have the powers to appoint, promote, transfer, reduce, or remove any administrative officer or employee of the City, subject to the Civil Service Ordinance as from time to time amended.

The City Manager shall advise Council as to the financial condition and needs of the City, including necessary appropriation measures. The City Manager shall see that the terms and conditions of any franchise or contract to which the City is a party are faithfully kept and performed. Unless otherwise provided by this Charter, the City Manager shall execute all contracts to which the City is a party. Together with the Director of Finance, the City Manager shall execute on behalf of the City all conveyances and evidences of indebtedness. The City Manager shall report to Council regarding the

state of the City in the first quarter of each calendar year and at such other times as the Council may direct.

Section 5.02. Right in Council Meetings of the City Manager.

The City Manager may attend all meetings of the Council and shall be notified of all meetings by the Clerk of Council according to the Rules of Council. The City Manager and officers thereof shall attend meetings of Council when requested to do so by Council. The City Manager may take part in the discussions on all matters coming before Council, but shall not have any vote therein. The City Manager shall make such recommendations to the Council for the welfare of the City as deemed suitable.

Section 5.03. Procedure for removal.

The City Manager may be suspended and/or removed by resolution of Council, which resolution shall set forth the reasons for proposed suspension and/or removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have five (5) business days in which to reply in writing. Upon written request of the City Manager served upon the Clerk of Council, the City Manager shall be afforded a public hearing before Council, which shall occur no earlier than ten (10) days nor later than fifteen (15) days after the hearing is requested. After the public hearing (if requested) and full consideration, Council may adopt a final resolution of suspension and/or removal. A decision by Council to suspend or remove the City Manager shall be in the sole discretion of Council and shall not be subject to review by any court. If the City Manager is suspended or removed from duty as provided under this section, Council shall appoint an acting City Manager.

Section 5.04. Acting City Manager.

By letter filed annually with the Clerk of Council by January 31, the City Manager shall designate a City employee to exercise the powers and perform the duties of the City Manager during the absence or disability of the City Manager. Council may revoke such designation at any time and appoint another employee of the City to serve as acting City Manager.

ARTICLE VI. ADMINISTRATIVE DEPARTMENTS

Section 6.01. General Provisions.

There is hereby established a Department of Law and a Department of Finance. Each department shall be administered by a Director thereof and the Council shall by ordinance provide for the organization thereof. The Council may by ordinance create, abolish and/or combine additional departments or divisions of departments as it may deem necessary. The Departments of Finance and Law may not be abolished or combined. Council may authorize the City Manager to be the head of any one or more departments (except the Department of Law unless the City Manager is admitted to the practice of law in the State of Ohio) and may authorize one person to be the head of two (2) or more such departments.

Section 6.02. Director of Law.

The Director of Law shall be admitted to the practice of law in the State of Ohio and shall be appointed and may be removed by the majority affirmative vote of the members of Council. The Director of Law shall serve the City Manager, the Council, the administrative departments, and officers, boards and commissions of the City as legal counsel in connection with municipal affairs. Subject to the direction of

the Council, the Director of Law shall represent the City in all proceedings in court or before any administrative board or body. The Director of Law shall perform such other duties, consistent with the office, as may be required by law, by this Charter, or by ordinance or resolution of the Council. Council may from time to time provide for such assistants and special counsel to the Director of Law as Council shall deem necessary.

Section 6.03. Director of Finance.

The Director of Finance shall be the fiscal officer of the City and shall be appointed by the City Manager subject to confirmation by the affirmative vote of a majority of the members of Council. The Director of Finance shall serve at the pleasure of the City Manager and may be removed by the City Manager, subject to such removal being confirmed by the affirmative vote of a majority of the members of Council. The Director of Finance shall keep the financial records of the City, exhibiting accurate statements of all moneys received and expended, of all property owned by the City, and of all taxes and assessments. The Director of Finance shall provide full and complete information concerning the financial affairs and financial status of the City as requested by the City Manager or Council. The Director of Finance shall examine all payrolls, bills and other claims against the City. The Director of Finance shall issue no warrants unless he or she finds that a claim is in proper form, correctly computed, duly approved, and that an appropriation has been made therefor. The Director of Finance shall collect all money due and payable to the City, shall be the custodian of all public money of the City, and shall disburse public money as may be required by law or ordinance. The Director of Finance shall examine and may audit the accounts of all other officers, employees, departments, boards and commissions. The Director of Finance shall assist the City Manager in the preparation and submission of appropriation measures, estimates, budgets and other financial matters. The Director of Finance shall perform all other duties now or hereafter imposed on City Auditors and Treasurers under the laws of the State of Ohio and shall perform such other duties, consistent with the office, as may be required by this Charter, by ordinance or resolution of Council, or as directed by the City Manager.

Section 6.04. Director of Planning.

Upon creation of a Department of Planning and Zoning by ordinance duly enacted by Council, the City Manager may appoint a Director of Planning to oversee community planning, zoning, and related enforcement services provided by the City. The Director of Planning shall be qualified by training and experience, such as a four (4) year college degree in land use or municipal planning and/or two (2) years of municipal planning experience and certification by the American Institute of Certified Planners, or the equivalent. The Director of Planning shall not hold any other office or position within the City. The Director of Planning's duties may include to advising Council and the City Manager on all matters related to City planning and zoning; assisting planning and zoning-related boards and commissions to make studies and recommendations (such as advising on land use plans , zoning ordinances, zoning district boundaries, and subdivision regulations); issue zoning permits and administering and enforcing the provisions of the planning and zoning ordinances and subdivision regulations; and performing such other duties and tasks as may from time to time be assigned by the City Manager.

ARTICLE VII. BOARDS AND COMMISSIONS

Section 7.01. Creation of Boards and Commissions.

The City Council shall establish the following boards and commissions:

- (a) Planning and Zoning Commission
- (b) Board of Zoning Appeals
- (c) Board of Park Commissioners
- (d) Personnel Board of Appeals

In addition to those boards and commissions enumerated above, the Council may by ordinance, from time to time, as it deems proper, create, alter or abolish additional standing and special boards, commissions, and committees and appoint or remove the members thereof.

Section 7.02. In General.

(a) Each board and commission shall elect its Chairperson and Vice Chairperson from among its appointed members.

(b) No Commission member may participate in any deliberation or vote upon any matter involving property or issues for which the member will be in a position to realize personal aggrandizement or financial gain. Each member shall sign a non-conflict-of-interest affidavit prepared by the Director of Law in accordance with the laws of the State of Ohio. The affidavit shall be executed at the time the member takes office.

Section 7.03. Planning and Zoning Commission.

(a) The Planning Commission shall consist of seven (7) citizen members appointed by a majority vote of all Council members. Members shall be limited to two (2) consecutive four (4) year terms. All recommendations to Council on applications for uses of land shall be in writing and shall describe how the proposal advances or conflicts with the goals established in the land use plans of the city and with the zoning ordinance in the area or zoning district in which the land is located. All other power and duties of the Planning Commission shall be set forth by ordinance. The Planning Commission shall adopt and publish rules necessary for the conduct of its affairs pursuant to the Codified Ordinances and Ohio law.

(b) No member of the Planning Commission shall hold a real estate license or a real estate broker's license or be a land developer or the agent of a land developer.

Section 7.04. Board of Zoning Appeals.

(a) The Board of Zoning Appeals shall consist of five (5) members and two (2) alternates appointed by a majority vote of all Council members. The powers and duties of the Board of Zoning Appeals shall be set forth by ordinance. The Board of Zoning Appeals shall adopt and publish rules necessary for the conduct of its affairs pursuant to the Codified Ordinances and Ohio law.

(b) No member of the Board of Zoning Appeals shall hold a real estate license or a real estate broker's license or be a land developer or the agent of a land developer.

Section 7.05. Board of Park Commissioners.

The Board of Park Commissioners in existence at the time of the establishment of this Charter will continue to function and exercise its powers and duties according to the applicable Ohio statutes creating said Board and governing its operation.

ARTICLE VIII. PERSONNEL.

Section 8.01. Merit Principle.

All appointments and promotions of municipal employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by Council.

Section 8.02. Classified and Unclassified Service.

Council shall establish a classified and unclassified service for employees of the City. Council shall adopt an ordinance to define and govern the classified and unclassified service of the City and a Code of Personnel Practices and Procedures to implement the mandate of this Article. All original appointments and promotions to full time management level positions in the Division of Fire and Division of Police who are not eligible for membership in a collective bargaining unit shall be within the unclassified service.

Section 8.03. Personnel Board of Appeals.

(A) Composition and Terms. The Personnel Board of Appeals shall consist of three (3) members who shall serve overlapping three (3) year terms. The members shall be appointed by the Mayor and confirmed by a majority vote of all Council members. No member shall be a City employee.

(B) Powers and Duties. The Personnel Board of Appeals shall have the power and duty to hear appeals from administrative determinations made pursuant to Code of Personnel Practices and Procedures, and such other powers, duties, and functions as provided by Council.

Section 8.04. Elected and Appointed Offices.

Appointments to and removal from all elected and appointed offices, including the municipal boards, commissions, and committees, shall be made in accordance with the specific applicable provisions of this Charter or the specific applicable legislation of the City, and shall not be subject to Sections 8.01 through 8.03 above.

Section 8.05. Retirement System.

The laws of the State of Ohio governing the retirement of employees of municipalities shall be applicable to City employees under this Charter.

ARTICLE IX. FINANCE, TAXATION AND DEBT

Section 9.01. General.

The laws of the State of Ohio relating generally to budgets, appropriations, debts, bonds, and other fiscal matters of municipalities shall be applicable to the City, except as modified by or necessarily inconsistent with the provisions of this Charter or ordinances of Council enacted pursuant thereto and except when provision therefor is made in the Constitution of the State of Ohio.

Section 9.02. Fiscal Matters.

The City Manager shall, each year, prepare and submit to Council an annual budget and a forecast of the revenues and expenditures of the Municipality. The fiscal year of the City shall begin on the first day of January, and Council shall, on or before December 31, adopt an annual budget and an appropriation ordinance for the ensuing fiscal year.

Section 9.03. Limitation on Tax Rate for Current Expenses.

The City shall have all power as a taxing authority and as a bond issuing authority that may now or hereafter lawfully be possessed or exercised by City under the Constitution and laws of Ohio. The Council may levy in any year, in addition to the amount to which City shall be entitled under the constitutional and statutory limitations and in addition to the amount necessary to be levied for the payment of principal of and interest on indebtedness heretofore or hereafter approved by a vote of the electorate, taxes at rates aggregating not more than five (5) mills for each dollar of valuation on all taxable property in City, which taxes shall be outside of the limitation now or hereafter provided by the Constitution and laws of Ohio, and may be levied for the current expenses of City or for the payment of principal and interest on indebtedness of City now or hereafter outstanding and issued without a vote of the electorate. The procedure for levying of all taxes upon real and personal property shall be in conformity to the general laws.

Section 9.04. Contracting Procedures.

(a) Award and Execution of Contracts. Consistent with Section 5.01 of this Charter and except as otherwise provided in this Section, the City Manager shall award and execute all contracts on behalf of the City.

(b) Competitive Bidding. Council, by ordinance, shall establish a threshold amount, notice provisions and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold established by Council, the contract shall be competitively bid. Council shall award a contract to the bidder submitting the lowest and best bid, provided that Council may reject any and all bids in whole or by items. No contract shall be divided to avoid the requirements of competitive bidding. If Council does not define in the ordinance the factors that shall be considered in determining what constitutes the "lowest and best bid," the City Manager may define the factors in the bidding documents.

(c) Waiver of Competitive Bidding. By a vote of no less than five members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding; if Council determines that an item is available and can be acquired only from a single source; or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City.

(d) Professional Services. Contracts for professional services shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by Council if the current operating budget provides sufficient funding for the scope of services in any such contract. At a minimum, the City shall follow Section 153.67 of the Ohio Revised Code in announcing contracts available for professional design or design-build services. Contracts for professional design shall be awarded based, in part, on the skill and experience of the professional in designing projects that are comparable to the character, type, scale, and proposed use of the project and the aesthetics of the neighborhood environment of the location for the project.

(e) Alterations and Modifications of Contracts. Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding.

(f) Certification of Funds. No contract involving the expenditure of money shall be entered into or authorized by the City Manager unless the Director of Finance or designee shall first certify that:

- (1) funds required for the contract are in the City's treasury or in the process of collection; and
- (2) funds have been appropriated by Council for the specified purpose and remain unencumbered.

Section 9.05. Fund Balance Policy.

Council shall establish a policy concerning the adequacy of the unrestricted balance in the General Fund and may establish a policy concerning unrestricted balances in other operating funds based upon the fund balance guidelines for the general fund published by the General Finance Officers Association and recommendations by the Director of Finance.

ARTICLE X. INITIATIVE, REFERENDUM AND RECALL

Section 10.01. Removal by Recall.

The electors shall have the power to remove from office by a recall election any elected official of the City to the extent and in the manner now or hereafter provided by the Constitution or the laws of the State of Ohio, including without limitation Section 705.92 of the Ohio Revised Code.

Section 10.02. Initiative.

Ordinances and other measures providing for the exercise of any powers of government granted by the Ohio Constitution or the laws of the State of Ohio, may be proposed by initiative petition. Such initiative petition must be signed by electors of the City equal to ten (10) percent of the total number of votes cast at the last preceding regular municipal election. The Clerk of Council shall receive the petitions for all initiatives.

When a petition is filed with the Clerk of Council signed by the required number of electors proposing an ordinance or other measure, such Clerk shall, after ten (10) days, transmit a certified copy of the text of the proposed ordinance or measure to the Pickaway County Board of Elections. The Clerk of Council shall transmit the petition to the Board of Elections together with the certified copy of the proposed ordinance or other measure. The Board shall examine all signatures on the petition to determine the number of electors of the City who signed the petition. The Board of Elections shall return the petition

to the Clerk of Council within ten (10) days after receiving it, together with a statement attesting to the number of such electors who signed the petition.

Upon receipt of the statement from the Board of Elections, the Clerk of Council shall submit the petition, the proposed ordinance, and the statement to the Council on the date of its next regular meeting. If the petition and proposed ordinance are determined by the Council to be sufficient and valid, the Council shall, at such regular meeting, read and act upon the same. Council may adopt the ordinance in its original form. Should the Council fail to take action or reject the proposed ordinance, in whole or in part, the Clerk of Council shall provide for the submission of the proposed ordinance in its original form to a vote of the electors of the City at the next succeeding general election.

Upon receipt of the proposed ordinance, the Board of Elections shall submit such proposed ordinance or measure for approval or rejection of the electors of the City at the next succeeding general election occurring subsequent to ninety (90) days after receipt of the proposed ordinance.

Section 10.03. Repealing Ordinances; Publication.

Proposed ordinances for repealing any existing ordinance or ordinances, in whole or in part, may be submitted to the Council as herein provided in the preceding sections for initiating ordinances. Initiated ordinances adopted by the electors shall be published as in the case of other ordinances.

Section 10.04. Referendum.

Any ordinance passed by the Council shall be subject to referendum, except immediately effective ordinances passed pursuant to Section 3.04(a) of this Charter and as otherwise provided by any applicable section of the Revised Code, including without limitation Section 731.30. The effective date of ordinances is governed by Section 3.04 of this Charter. If a petition signed by electors of the City, not less in number than ten (10) percent of the total votes cast at the last preceding general municipal election, is filed with the Clerk of Council within thirty (30) days after passage of an ordinance subject to referendum, requesting that any such ordinance be repealed or submitted to a vote of the electors of the City, the ordinance shall not take effect until the steps indicated herein have been taken.

The Clerk shall, within ten (10) days after the filing of a referendum petition, transmit a certified copy of the petition to the Pickaway County Board of Elections. The Board shall examine all signatures on the petition to determine the number of electors of the City who signed the petition. The Board shall return the petition to the Clerk of Council within ten (10) days after receiving it, together with a statement attesting to the number of such electors who signed the petition. Upon receipt of the statement from the Board, the Clerk of Council shall submit the petition and the statement to the Council on the date of its next regular meeting. Council shall determine the sufficiency and validity of the petition. If the petition is determined by Council to be sufficient and valid, the Council shall, at such regular meeting, read and act upon the same. Council may repeal the ordinance subject to referendum. Should Council fail to take action or fail to repeal the ordinance subject to referendum, the Clerk of Council shall provide for the submission of such ordinance to a vote of the electors of the City. The Board of Elections shall submit the ordinance to the electors of the City, for their approval or rejection, at the next general election occurring subsequent to ninety (90) days after receipt of such ordinance from the Clerk of Council.

Section 10.05. Initiative and Referendum Procedures.

Any initiative or referendum petition may be presented in separate parts, but each of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure. Each part of any referendum petition shall contain the number, a full and correct copy of the title and date of passage of the ordinance or other measure sought to be referred.

Each signer of any such petition must be an elector of the City in which the election, upon the ordinance or other measure proposed by such initiative petition or the ordinance or measure referred to by such referendum petition, is to be held, and shall place on such a petition, after his name, the date of signing, his place of residence, including street and number, and the ward and precinct.

Each part of such petition shall contain the affidavit of the person soliciting the signatures thereto, which shall state the number of signers of each such part and that, to the best of his knowledge and belief, each of the signatures contained on such part is the genuine signature of the person whose name it purports to be, that he believes such persons are electors of the City, and that they signed such petition with knowledge of the contents thereof.

Upon receipt of a statement from the Pickaway County Board of Elections, pursuant to Chapter 731 of the Revised Code, attesting to the number of electors who signed such petition, Council by resolution shall determine the sufficiency and validity of the petition. In determining the validity of any such petition, all signatures that are found to be irregular shall be rejected, but no petition shall be declared invalid in its entirety when one or more signatures are found to be invalid except when the number of valid signatures is found to be less than the total number required.

The petition and signatures upon such petition shall be prima facie presumed to be in all respects sufficient. No ordinance or other measure submitted to the electors of the City and receiving an affirmative majority of votes cast thereon, shall be held ineffective or void on account of the insufficiency of the petitions by which such submission of the ordinance or measure was procured, nor shall rejection, by a majority of the votes cast thereon, of any ordinance or other measure submitted to the electors of such City be held invalid for such insufficiency.

Ordinances proposed by initiative petition and referendums receiving an affirmative majority of the votes cast thereon, shall become effective as provided by the laws of the State of Ohio.

Where the Charter is silent concerning initiative and referendum petition procedures, the laws of the State of Ohio shall be followed, except the statutory functions and duties of the City Auditor shall be performed by the Clerk of Council.

Section 10.06. Approval or Rejection.

(A) Ordinances submitted to the Council by petition and passed by the Council as herein provided, shall be subject to the referendum in the same manner as other ordinances.

(B) Ordinances rejected or repealed by an electoral vote shall not be re-enacted, in whole or in part, except by an electoral vote.

(C) Ordinances approved by an electoral vote shall not be repealed, amended or supplemented, except by an electoral vote.

(D) The adoption or rejection of ordinances submitted to an electoral vote shall take effect as provided by the laws of the State of Ohio.

Section 10.07. Special Elections.

Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the Resolution.

ARTICLE XI GENERAL PROVISIONS

Section 11.01. Conflicts of Interest, Ethics and Campaign Financing .

Unless otherwise provided in this Charter or by Council, the laws of the State of Ohio pertaining to conflict of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

Section 11.02. Effect of Partial Invalidity.

A determination that any provision of this Charter is invalid shall not invalidate or impair the force and effect of any other provision, except to the extent that the other provision is wholly dependent for its operation upon the provision declared invalid.

Section 11.03. Amendments of Charter.

This Charter may be amended or revised as provided by this Charter or the Constitution and laws of the State of Ohio. However, Council shall take no action prior to January 1, 2026, to submit an amendment to the Charter to the electors of the City.

ARTICLE XII CHARTER REVIEW COMMISSION

Section 12.01. Composition and Term.

During the month of January 2028, Council shall appoint seven ~~(7)~~ (7) electors of the City as members of a Charter Review Commission to serve until their duties as provided herein are completed. The membership of the Charter Review Commission shall include representation for each ward, and shall not include elected officials, officers or employees of the City or their immediate family members. The members shall serve without compensation. Thereafter, this review process shall occur not less than ~~5~~ (5) years after the last review, but not later than ten (10) years.

Section 12.02. Duties.

The Charter Review Commission shall review this Charter and, no later than twelve (12) months after appointment or such longer period as determined by Council, report the Commission's findings and conclusions, if any, as recommendations to Council.

ARTICLE XIII TRANSITIONAL PROVISIONS

Section 13.01. Charter Effective Date.

(a) Effective Date. This Charter shall be submitted to the electors of the City of Circleville, Ohio, at an election to be held in August 2022. If approved by a majority of the electors voting on the issue, this Charter shall become effective January 1, 2023, unless otherwise indicated in the Charter.

(b) Effect of Charter on Existing Personnel. All elected offices, the terms of elected officials, and the powers and duties of those elected officials under the general statutory plan of government for cities shall continue until December 31, 2023, at which time the offices of Mayor, Law Director, Council President, and Auditor under the general statutory plan of government shall be abolished. The office of Treasurer under the general statutory plan of government shall be abolished on December 31, 2025, or upon resignation of the current elected Treasurer, whichever is earlier. The Council-Manager form of municipal government established by this Charter shall become effective as of January 1, 2024.

The persons running for office of Council member from the City at large at the regular municipal election in 2023 shall run for four-year terms and, if elected, serve as Council members under this Charter until December 31, 2027. The persons running for the office of Council member from each of the City's four (4) wards at the regular municipal election in 2023 shall run for two (2) terms and, if elected, serve as Council members under this Charter until December 31, 2025. After this initial term, all Council members shall serve staggered four (4) year terms.

No person holding a City elective office on December 31, 2022, shall be prohibited from being appointed as a City official pursuant to this Charter.

Every employee of the City on January 1, 2023, shall continue in such employment subject in all respects to the provisions of this Charter and all ordinances, resolutions, rules or regulations enacted or promulgated under this Charter.

(c) Intent of Transition. In order not to shorten the terms of elected officials, the effective date of this charter will be phased in commencing in 2023 with full implementation in 2026. Accordingly, as of January 1, 2023, all provisions of this Charter shall be effective to the fullest extent applicable, except as otherwise provided herein. While certain provisions including but not limited to elected officials, the City Manager, Finance Director, and the Law Director do not become fully effective until January 1, 2024, all other provisions, not in conflict with the provisions of this Charter, shall be effective January 1, 2023.

(d) Orderly Transition. In order to provide for an orderly transition to a Council-Manager form of government, Council shall undertake a search process and employ a City Manager no later than September 30, 2023.